

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed November 21, 2002 ("Office Action"). At the time of the Office Action, Claims 1-55 were pending in the application. In the Office Action, Examiner rejects Claims 1-55. Applicants amend various portions of the specification and Claims 46-47 to advance prosecution in this case. No new matter has been introduced by these amendments. Applicants do not admit that these amendments were necessary as a result of any cited art.

Summary of Telephonic Interview

Applicants' attorneys, Mr. Samir A. Bhavsar and Mr. Chad D. Terrell, conducted a telephonic interview with Examiner Nguyen on January 16, 2003. Pursuant to M.P.E.P. § 713.04, Applicants submit this summary of the telephonic interview to record Applicants' understanding of the substance of the interview. If Applicants' understanding is inaccurate, notice of such is appreciated.

Attorneys for Applicants thank the Examiner for the courtesy of his telephonic interview. During the interview, Applicants traversed the Examiner's 35 U.S.C. § 112 best mode rejection of Claims 1-55. The Examiner agreed during the telephonic interview to withdraw the best mode rejection of Claims 1-55. During the telephonic interview, Applicants also traversed the Examiner's provisional statutory double patenting rejection under 35 U.S.C. § 101 of Claims 1-55. The Examiner claims in the Office Action that Claims 1-55 of Application Serial No. 09/488,395 claim the same invention as that of Claims 1-46 of co-pending Application Serial No. 09/488,394. Applicants discussed the distinctions between the independent claims of Application Serial No. 09/488,395 and the independent claims of co-pending Application Serial No. 09/488,394. The Examiner agreed that Claims 1-55 of Application Serial No. 09/488,395 are not co-extensive in scope as Claims 1-46 of co-pending Application Serial No. 09/488,394 and that he would withdraw the statutory double patenting rejection.

Section 112 Rejections

The Examiner rejects Claims 1-55 under 35 U.S.C. § 112, first paragraph, stating that the best mode contemplated by the inventors has not been disclosed. The Examiner further states that evidence of concealment of the best mode is based upon "particular subscriber." Based on the telephonic interview summarized above, the Examiner agreed to withdraw the Section 112 best mode rejection of Claims 1-55.

Double Patenting Rejections

The Examiner provisionally rejects Claims 1-55 under 35 U.S.C. § 101 as claiming the same invention as that of Claims 1-46 of co-pending Application No. 09/488,394. Based on the telephonic interview summarized above, the Examiner agreed Claims 1-55 of Application Serial No. 09/488,395 are not coextensive in scope as Claims 1-46 of co-pending Application Serial No. 09/488,394 and that he would withdraw the Section 101 statutory double patenting rejection.

Section 103 Rejections

The Examiner rejects Claims 1-3, 5, 8-14, 16-21, 23, 26-32, 34-40, 43-45, and 48-50 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,252,878 issued to Locklear, Jr. et al. ("*Locklear*") in view of U.S. Patent No. 5,539,884 to Robrock, II ("*Robrock*"). Applicants assume that the Examiner intended to reject Claims 52-55 under 35 U.S.C. § 103(a) as being unpatentable over the proposed *Locklear-Robrock* combination, even though the Examiner did not so indicate in paragraph 6 of the Office Action because the Examiner specifically listed Claims 52-55 in paragraphs 20-23, respectively, of the Office Action. The Examiner rejects Claims 4, 15, 22, 23 and 51 under 35 U.S.C. § 103(a) as being unpatentable over *Locklear*, in view of *Robrock* and in further view of U.S. Patent No. 6,396,838 to Palnati ("*Palnati*"). The Examiner also rejects Claims 6-7, 24-25, 41-42 and 46-67 under 35 U.S.C. § 103(a) as being unpatentable over *Locklear* in view of *Robrock*, and in further view of U.S. Patent No. 6,084,892 to Benash et al. ("*Benash*"). Applicants respectfully request reconsideration of this rejection of Claims 1-55.

According to 35 U.S.C. § 103(c), subject matter that qualifies as prior art only under 35 U.S.C. § 102(e) "shall not preclude patentability under [35 U.S.C. § 103] where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person." In other words, subject matter that is considered prior art only under 35 U.S.C. 102(e) is disqualified from use as a prior art reference under 35 U.S.C. 103 if that subject matter and the claimed invention "were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person." M.P.E.P. §§ 706.02(k) and 706.02(l)(1).

To the extent that *Locklear* may qualify as prior art under § 102(e), § 103(c) disqualifies *Locklear* as a prior art reference against the claimed invention. Applicants respectfully submit that the inventors of *Locklear* and of the present invention were under a common obligation of assignment at the time the present invention was made and that the inventions were actually assigned to Cisco Technology, Inc. Support for this common ownership can be found in the Assignment Records of the U.S. Patent and Trademark Office. An assignment of *Locklear* from the inventors to Netspeed, Inc. was recorded on October 30, 1997 at Reel 8806, Frame 0805. A subsequent assignment of *Locklear* from Netspeed, Inc. to Cisco Systems, Inc. was recorded on May 8, 1998 at Reel 9157, Frame 0001. Yet another subsequent assignment of *Locklear* from Cisco Systems, Inc. to Cisco Technology, Inc. was recorded on October 13, 1998 at Reel 9516, Frame 0697. An assignment for the present Application from the inventors to Cisco Technology, Inc. was recorded in the Assignment Records of the U.S. Patent and Trademark Office on April 10, 2000 at Reel 010692, Frame 0755. Moreover, this application was filed January 20, 2000, which is prior to the date when *Locklear* issued as a patent (June 26, 2001). *Locklear*, therefore, was not published or patented until after Applicants' invention date for the invention claimed herein. As a result, Applicants respectfully submit that *Locklear* is disqualified as a prior art reference against the claimed invention because both *Locklear* and the present Application were subject to a common obligation of assignment at the time of the present invention and the filing date of this Application preceded the date *Locklear* issued as a patent. For at this reason, Applicants respectfully request withdrawal of the rejections based on *Locklear*.

For at least these reasons, Applicants respectfully request reconsideration and allowance of Claims 1-55.

CONCLUSION

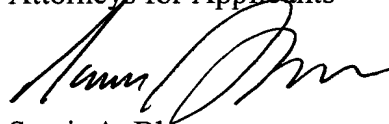
Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Samir A. Bhavsar, Attorney for Applicants, at the Examiner's convenience at (214) 953-6581.

Although no fees are believed due, the Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicants



Samir A. Bhavsar
Reg. No. 41,617

Date: 1/16/03, 2003

BAKER BOTTS L.L.P.
2001 Ross Avenue, Suite 600
Dallas, Texas 75201-2980
(214) 953-6581

MARKED-UP SPECIFICATION SHOWING AMENDMENTS

IN THE SPECIFICATION

Paragraph beginning at page 1, line 1:

This application is related to and filed concurrently with pending U.S. Patent Application Serial No. 09/488,394, entitled "System and Method for Identifying a Subscriber for Connection to a Communication Network." These applications have been commonly assigned to Cisco Technology, Inc.

MARKED-UP CLAIMS SHOWING AMENDMENTS

IN THE CLAIMS

For the convenience of the Examiner, all claims have been presented whether or not an amendment has been made. Please amend the claims as follows:

1. A system for determining subscriber information, comprising:
an access server coupled to a plurality of subscribers using a communication network and operable to receive a communication from a particular subscriber using a particular one of a plurality of virtual circuits associated with the communication network;
a memory coupled to the access server and operable to store subscriber information for the subscribers, wherein the subscriber information is indexed by path information that identifies a virtual circuit assigned to the particular subscriber; and
a processor coupled to the memory and operable to determine subscriber information for communication to the particular subscriber based upon the path information and the particular virtual circuit used to receive the communication from the particular subscriber.
2. The system of Claim 1, wherein:
the access server comprises one of a plurality of access servers coupled to the processor;
the path information further identifies an access server assigned to the particular subscriber; and
the processor is further operable to determine the subscriber information for communication to the particular subscriber based upon the path information and an identifier of the particular access server coupled to the particular subscriber.
3. The system of Claim 1, wherein the access server comprises:
an interface coupled to the particular subscriber using the particular virtual circuit;
and
a controller coupled to the interface and operable to communicate a request identifying the particular virtual circuit that couples the interface and the particular subscriber.

4. The system of Claim 3, wherein:
the interface comprises a plurality of network line cards;
the path information further identifies a network line card assigned to the particular subscriber; and

the processor is further operable to determine the subscriber information for communication to the particular subscriber based upon the path information and an identifier of a particular network line card coupled to the particular subscriber.

5. The system of Claim 3, wherein the request comprises:
interface information identifying the interface coupled to the particular subscriber;
virtual circuit information identifying the particular virtual circuit; and
access server information identifying the access server.

6. The system of Claim 3, wherein the request comprises a RADIUS protocol request.

7. The system of Claim 3, wherein the request comprises a trivial file transfer protocol request.

8. The system of Claim 1, wherein the particular virtual circuit is associated with the particular subscriber using a virtual path identifier and a virtual channel identifier.

9. The system of Claim 1, wherein the path information comprises a virtual path identifier and a virtual channel identifier associated with the virtual circuit assigned to the particular subscriber.

10. The system of Claim 1, wherein the subscriber information comprises information used to configure a communication device associated with the particular subscriber.

11. The system of Claim 1, wherein the subscriber information comprises at least one Internet protocol address for communication to the particular subscriber.

12. A method for determining subscriber information, comprising:
receiving a communication from a particular one of a plurality of subscribers using a particular one of a plurality of virtual circuits associated with a communication network;
storing subscriber information for the subscribers, wherein the subscriber information is indexed by path information that identifies a virtual circuit assigned to the particular subscriber; and
determining the subscriber information for communication to the particular subscriber based upon the path information and the particular virtual circuit used to receive the communication from the particular subscriber.

13. The method of Claim 12, wherein:
the particular virtual circuit couples the particular subscriber to a particular one of a plurality of access servers;
the path information further identifies an access server assigned to the particular subscriber; and
the step of determining further comprises determining the subscriber information for the particular subscriber based upon the path information and an identifier of the particular access server coupled to the particular subscriber.

14. The method of Claim 13, wherein the particular access server comprises:
an interface coupled to the particular subscriber using the particular virtual circuit;
and
a controller coupled to the interface.

15. The method of Claim 14, wherein:
the interface comprises a plurality of network line cards;
the path information further identifies a network line card assigned to the particular subscriber; and
the step of determining further comprises determining the subscriber information for communication to the particular subscriber based upon the path information and an identifier of a particular network line card coupled to the particular subscriber.

16. The method of Claim 12, wherein the particular virtual circuit is associated with the particular subscriber using a virtual path identifier and a virtual channel identifier.

17. The method of Claim 12, wherein the path information comprises a virtual path identifier and a virtual channel identifier associated with the virtual circuit assigned to the particular subscriber.

18. The method of Claim 12, wherein the subscriber information comprises information used to configure a communication device associated with the particular subscriber.

19. The method of Claim 12, wherein the subscriber information comprises at least one Internet protocol address for communication to the particular subscriber.

20. An information server comprising:
a memory operable to store subscriber information for a plurality of subscribers, wherein the subscriber information is indexed by path information that identifies a virtual circuit assigned to a particular subscriber; and
a processor coupled to the memory and operable to determine the subscriber information for communication to the particular subscriber based upon the path information and a particular virtual circuit that couples the particular subscriber to an access server.

21. The information server of Claim 20, wherein:
the path information further identifies an access server assigned to the particular subscriber; and
the processor is further operable to determine the subscriber information for communication to the particular subscriber based upon the path information and an identifier of the access server coupled to the particular subscriber.

22. The information server of Claim 20, wherein:
the path information further identifies a network line card of the access server assigned to the particular subscriber; and
the processor is further operable to determine the subscriber information for communication to the particular subscriber based upon the path information and an identifier of the network line card.

23. The information server of Claim 20, wherein the processor determines the subscriber information for communication to the particular subscriber in response to receiving a request comprising:
interface information identifying an interface of the access server coupled to the particular subscriber;
virtual circuit information identifying the particular virtual circuit; and
access server information identifying the access server.

24. The information server of Claim 23, wherein the request comprises a RADIUS protocol request.

25. The information server of Claim 23, wherein the request comprises a trivial file transfer protocol request.

26. The information server of Claim 20, wherein the virtual circuit is associated with the particular subscriber using a virtual path identifier and a virtual channel identifier.

27. The information server of Claim 20, wherein the path information comprises a virtual path identifier and a virtual channel identifier associated with the virtual circuit assigned to the particular subscriber.

28. The information server of Claim 20, wherein the subscriber information comprises information used to configure a communication device associated with the particular subscriber.

29. The information server of Claim 20, wherein the subscriber information comprises at least one Internet protocol address for communication to the particular subscriber.

30. A method for determining subscriber information, comprising:
receiving a request identifying a particular one of a plurality of virtual circuits associated with a communication network, wherein the particular virtual circuit is used by an access server to receive a communication from a particular one of a plurality of subscribers;
storing subscriber information for the subscribers, wherein the subscriber information is indexed by path information that identifies a virtual circuit assigned to the particular subscriber; and
determining the subscriber information for communication to the particular subscriber based upon the path information and the particular virtual circuit used by the access server to receive the communication from the particular subscriber.

31. The method of Claim 30, wherein:
the particular virtual circuit couples the particular subscriber to a particular one of a plurality of access servers;
the path information further identifies an access server assigned to the particular subscriber; and
the step of determining further comprises determining the subscriber information for communication to the particular subscriber based upon the path information and an identifier of the particular access server coupled to the particular subscriber.

32. The method of Claim 31, wherein the particular access server comprises:
an interface coupled to the particular subscriber using the particular virtual circuit;
and
a controller coupled to the interface.

33. The method of Claim 32, wherein:
the interface comprises a plurality of network line cards;
the path information further identifies a network line card assigned to the particular subscriber; and
the step of determining further comprises determining the subscriber information for communication to the particular subscriber based upon the path information and an identifier of a particular network line card coupled to the particular subscriber.

34. The method of Claim 30, wherein the particular virtual circuit is associated with the particular subscriber using a virtual path identifier and a virtual channel identifier.

35. The method of Claim 30, wherein the path information comprises a virtual path identifier and a virtual channel identifier associated with the virtual circuit assigned to the particular subscriber.

36. The method of Claim 30, wherein the subscriber information comprises information used to configure a communication device associated with the particular subscriber.

37. The method of Claim 30, wherein the subscriber information comprises at least one Internet protocol address for communication to the particular subscriber.

38. An access server, comprising:
an interface coupled to a plurality of subscribers using a communication network and operable to receive a communication from a particular subscriber using a particular one of a plurality of virtual circuits associated with the communication network; and
a controller coupled to the interface and operable to communicate a request to an information server for determining subscriber information associated with the particular subscriber, the request identifying the particular virtual circuit used to receive the communication from the particular subscriber.

39. The access server of Claim 38, wherein the controller is further operable to communicate the subscriber information to the particular subscriber.

40. The access server of Claim 38, wherein the request comprises:
interface information identifying the interface coupled to the particular subscriber;
virtual circuit information identifying the particular virtual circuit; and
access server information identifying the access server.

41. The access server of Claim 38, wherein the request comprises a RADIUS protocol request.

42. The access server of Claim 38, wherein the request comprises a trivial file transfer protocol request.

43. A method for determining subscriber information, comprising:
receiving a communication from a particular one of a plurality of subscribers using a particular one of a plurality of virtual circuits associated with a communication network; and
communicating a request to an information server for determining subscriber information associated with the particular subscriber, the request identifying the particular virtual circuit used to receive the communication from the particular subscriber.

44. The method of Claim 43, further comprising communicating the subscriber information to the particular subscriber.

45. The method of Claim 43, wherein the request comprises:
interface information identifying an interface of an access server coupled to the particular subscriber;
virtual circuit information identifying the particular virtual circuit; and
access server information identifying the access server.

46. (Amended) The [access server] method of Claim 43, wherein the request comprises a RADIUS protocol request.

47. (Amended) The [access server] method of Claim 43, wherein the request comprises a trivial file transfer protocol request.

48. A computer program for determining subscriber information, the program encoded on a computer-readable medium and operable to execute the following steps:

receiving a communication from a particular one of a plurality of subscribers using a particular one of a plurality of virtual circuits associated with a communication network;

storing subscriber information for the subscribers, wherein the subscriber information is indexed by path information that identifies a virtual circuit assigned to the particular subscriber; and

determining the subscriber information for communication to the particular subscriber based upon the path information and the particular virtual circuit used to receive the communication from the particular subscriber.

49. The computer program of Claim 48, wherein:

the particular virtual circuit couples the particular subscriber to a particular one of a plurality of access servers;

the path information further identifies an access server assigned to the particular subscriber; and

the step of determining further comprises determining the subscriber information for the particular subscriber based upon the path information and an identifier of the particular access server coupled to the particular subscriber.

50. The computer program of Claim 49, wherein the particular access server comprises:

an interface coupled to the particular subscriber using the particular virtual circuit; and

a controller coupled to the interface.

51. The computer program of Claim 50, wherein:

the interface comprises a plurality of network line cards;

the path information further identifies a network line card assigned to the particular subscriber; and

the step of determining further comprises determining the subscriber information for communication to the particular subscriber based upon the path information and an identifier of a particular network line card coupled to the particular subscriber.

52. The computer program of Claim 48, wherein the particular virtual circuit is associated with the particular subscriber using a virtual path identifier and a virtual channel identifier.

53. The computer program of Claim 48, wherein the path information comprises a virtual path identifier and a virtual channel identifier associated with the virtual circuit assigned to the particular subscriber.

54. The computer program of Claim 48, wherein the subscriber information comprises information used to configure a communication device associated with the particular subscriber.

55. The computer program of Claim 48, wherein the subscriber information comprises at least one Internet protocol address for communication to the particular subscriber.